IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 15004 of 2007(J)

PETITIONER:

C.M. PHILIP,
HEAD MASTER (UNDER SUSPENSION),
M.P.M. HIGHER SECONDARY SCHOOL, CHUNGATHARA.

BY ADV. SRI.MVS.NAMBOOTHIRY

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, DEPARTMENT OF
GENERAL EDUCATION, SECRETARIAT,THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
DIRECTORATE, THIRUVANANTHAPURAM.

3. THE DY. DIRECTOR OF EDUCATION,
OFFICE OF THE DY.DIRECTOR, MALAPPURAM.

4. THE DISTRICT EDUCATIONAL OFFICER,
VANDOOR.

5. THE DISTRICT PROJECT OFFICER,
SHIKSHA ABHIYAN, MALAPPURAM DISTRICT.

6. THE CORPORATE MANAGER,
CATHOLICATE AND M.D. SCHOOLS(CORPORATE MANAGEMENT)
DEVALOKAM, KOTTAYAM.

BY GOVT. PLEADER SMT. M.R. SREELATHA
SRI. P. PARAMESHWARAN NAIR, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO 15004/07

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE RECORD SHOWING THE CHARGE FOR EXAMINATION

EXT.P2. COPY OF THE NEWS ITEM PUBLISHED IN THE MALAYALA MANORAMA DT. 2.3.07

EXT.P3. COPY OF THE PROCEEDINGS NO.B2/7411/07 DT. 13.3.07

EXT.P4. COPY OF THE NOTICE

EXT.P5. COPY OF THE LETTER DT. 15.3.07

EXT.P6. COPY OF THE LETTER DT. 27.3.07

EXT.P7. COPY OF THE ENQUIRY REPORT

EXT.P8. COPY OF THE REPRESENTATION DT. 22.3.07

EXT.P9. COPY OF THE LETTER DT. 13.4.07

EXT.P10. COPY OF THE MEMO OF CHARGES

EXT.P11. COPY OF THE REPLY SUBMITTED BY THE PETITIONER

EXT.P12. COPY OF THE LETTER DT. 12.4.07

EXT.P13. COPY OF THE LETTER SENT BY THE DY. DIRECTOR ADDRESSED TO THE MANAGER

/TRUE COPY/

PA TO JUDGE.

A.K. BASHEER, J.

W.P.(C). NO. 15004 OF 2007

Dated this the 26th day of June, 2007

J U D G M E N T

Petitioner, who was working as Headmaster in the school under the management of respondent No.6, suffered an order of suspension because of his careless handling of question papers for the S.S.L.C. Examination held in March 2007.

2. It appears that petitioner had opened a bundle of question papers on a day prior to the actual date of holding such examination. It is on record that petitioner was served with Ext.P9 notice issued by the Deputy Director of Education directing him to show cause why a sum of Rs. 64,026/- shall not be recovered from him, that being the amount spent by the Department as additional expense for conduct of the examination for the subject in question. Thereafter Ext.P13 communication was issued by the Deputy Director of Education directing the Manager to recover the amount from the petitioner or in the alternative to obtain an undertaking from him that he was agreeable to deduct the above sum from his retiral benefits. It was further informed that disciplinary action against the petitioner would

be dropped only if he made good the loss sustained by the Government.

3. It is on record that petitioner was reinstated in service on the eve of his superannuation and he has retired from service.

4. Anyhow, I do not propose to go into the other details of the issue at this stage, in view of the submission made by the learned counsel at the Bar. He submits that petitioner is prepared to pursue the remedy available to him against the order of recovery.

In the above facts and circumstances, the writ petition is closed with liberty to the petitioner to take recourse to the remedies available to him under law as against Exts.P4, P9 & P13. It is made clear that I have not considered the merit of the contentions raised by the petitioner in this regard. If the petitioner prefers a revision petition before the Competent authority against Ext.P13 within a month from today, the same shall be entertained and an appropriate decision thereon shall be taken, as expeditiously as possible, at any rate within three months from the dare of receipt thereof after affording sufficient opportunity to the petitioner to be heard.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007